

LAW OFFICES OF
FREDERICK K. BREWINGTON
ATTORNEYS AND COUNSELORS AT LAW
50 CLINTON STREET, SUITE 501
HEMPSTEAD, N. Y. 11550

—
TELEPHONE: (516) 489-6959
FACSIMILE: (516) 489-6958

FREDERICK K. BREWINGTON

IRA FOGLGAREN

WENDY PELLE-BEER
JENNIFER E. MILLER
GREGORY CALLISTE

January 13, 2005

BY FACSIMILE WITH PERMISSION and BY ECF

Hon. Sandra L. Townes
United States District Judge
United States District Court
Eastern District of New York
225 Cadmen Plaza East
Brooklyn, New York 11201
Fax: (718)797-7428

Re: RE: Zellner v. State of New York, et al.
Docket No.:CV-02-0095(SLT)

Dear Judge Townes:

As the Court is aware, this office represents the Plaintiff in the above referenced action. This matter was heard for trial before Your Honor and following the verdict in the case, the Court set down a briefing scheduling for post-trial briefs. We have received the papers from the Defendants and are in the process of responding to their Rule 50(b) motion. In addition, we are preparing a Rule 59 Motion and plan to provide a Memorandum of Law in support of that motion. We write to request that rather than file separate briefs of twenty-five (25) pages each, we be given permission to file a single oversized brief of thirty-five (35) pages. We hope by filing a single brief in response to Defendant's motion and in support of our motion, that we can limit the total amount of paper produced in the briefing process and avert having to duplicate factual assertions, citations and arguments. In addition, our application is also based on the fact that Defendants, in their motion have submitted a brief of thirty-four (34) pages.

We thank the Court for its consideration.

Respectfully Submitted,

FREDERICK K. BREWINGTON

cc: Anne Leahey, Esq.(by fax only)